

GREENBERG TRAURIG, LLP

Ian C. Ballon (SBN 141819)

Ballon@gtlaw.com

1900 University Avenue, 5th Floor

East Palo Alto, California 94303

Telephone: 650-328-8500

Rebekah S. Guyon (SBN 291037)

GuyonR@gtlaw.com

1840 Century Park East, Suite 1900

Los Angeles, California 90067

Telephone: 310-586-7700

Kristin O'Carroll (SBN 312902)

ocarrollk@gtlaw.com

101 Second Street, Suite 2200

San Francisco, California 94105-3668

Telephone: 415-655-1300

Attorneys for Defendants 23andMe, Inc.,

23andMe Pharmacy Holdings, Inc., 23andMe Holding Co.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: 23ANDME, INC., CUSTOMER DATA
SECURITY BREACH LITIGATION

Case No. 24-md-03098-EMC

**23ANDME'S RECOMMENDATION FOR
SPECIAL SETTLEMENT MASTER
PURSUANT TO PRETRIAL ORDER NO. 1**

In accordance with the Court's First Pretrial Order (ECF No. 11), Defendants 23andMe, Inc., 23andMe Holding Co., and 23andMe Pharmacy Holdings, Inc. (collectively, "Defendants" or "23andMe") submit for the Court's consideration the appointment of Randall W. Wulff as Special Settlement Master.

Randall W. Wulff has over 30 years of experience resolving complex, multi-party disputes and has been selected as a mediator in over two thousand diverse cases, settling most of those cases. Mr. Wulff's current biography page is attached as Exhibit A.

Mr. Wulff has been engaged in mediation between the parties since January 2024 and is familiar

with the key issues in the litigation. 23andMe has already participated in two mediations with plaintiffs' counsel before Mr. Wulff. On January 31, 2024, over 35 plaintiffs' lawyers as well as counsel for 23andMe participated in person or by Zoom in a mediation hosted by Mr. Wulff. All plaintiffs were invited to the first mediation, and, to 23andMe's knowledge, only the Edelson firm declined to participate. On March 20, 2023, the parties engaged in a second day-long mediation session under the direction of Randall Wulff. 23andMe did not select the participants for the second mediation but deferred to plaintiffs' counsel to self-organize. Since the mediations, 23andMe has continued to engage in settlement discussions with plaintiffs' counsel. Appointment of someone else at this juncture would likely increase the costs and complexity of the negotiations and could make reaching an agreement more difficult. 23andMe believes appointment of Mr. Wulff as Special Settlement Master would facilitate the parties' ability to complete the current process and hopefully reach agreement.

For the foregoing reasons, and without waiving any defenses, 23andMe respectfully recommends that the Court appoint Randall W. Wulff as Special Settlement Master.

Respectfully submitted,

Dated: May 20, 2024

By: /s/ Ian C. Ballon

Ian C. Ballon

GREENBERG TRAURIG, LLP

Ballon@gtlaw.com

1900 University Avenue, 5th Floor

East Palo Alto, California 94303

Tel: 650-289-7881; Fax: 650-462-7881

*Attorneys for Defendants 23andMe, Inc., 23andMe
Pharmacy Holdings, Inc., 23andMe Holding Co.*